

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN SHINGARA,	:	CIVIL ACTION NO. 1:05-CV-1807
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JEFFREY MILLER and	:	
JACK LEWIS,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 26th day of September, 2006, upon consideration of the motion to dismiss (Doc. 6), and it appearing that defendants filed a motion for summary judgment (Doc. 15) addressing the identical issues as in their motion to dismiss (compare Doc. 10, with Doc. 16), and that the issues raised by defendants may be addressed more comprehensively in the context of Rule 56 of the Federal Rules of Civil Procedure, it is hereby ORDERED that the motion to dismiss (Doc. 6) is DENIED as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge